

Lay, Michelle K.

From: Marc Sewell [marcs@simonlabs.com]
Sent: Wednesday, March 29, 2006 10:27 AM
To: Lay, Michelle K.
Subject: RE: Application 10/602,566 - Art Unit 2672

Please ask him to call me at 770-656-0515.

-----Original Message-----

From: Lay, Michelle K. [mailto:Michelle.Lay@USPTO.GOV]
Sent: Wednesday, March 29, 2006 9:24 AM
To: marcs@simonlabs.com
Subject: RE: Application 10/602,566 - Art Unit 2672

Kee Tung.

-----Original Message-----

From: Marc Sewell [mailto:marcs@simonlabs.com]
Sent: Wednesday, March 29, 2006 10:23 AM
To: Lay, Michelle K.
Subject: RE: Application 10/602,566 - Art Unit 2672

I have contacted the number you gave and after being routed several times was told they had my address change request but it was not changed in the database. This is why I have not received your mailings.

I was told that in order to get a copy of your last mailing, I had to contact the art unit which they say is now 2628. Who is your SPE?

-----Original Message-----

From: Lay, Michelle K. [mailto:Michelle.Lay@USPTO.GOV]
Sent: Wednesday, March 29, 2006 8:48 AM
To: marcs@simonlabs.com
Subject: RE: Application 10/602,566 - Art Unit 2672

Mr. Sewell,

Firstly, I am not in charge of mailing the response to you. I submit my response to a separate department who then mails out the response to you. Secondly, a decision was made, and it was discussed within the office action. It is not customary for the examiner to verbally discuss the response with the applicant prior to the applicant receiving the office action, hence the reason for a written response in the form of an office action. With regret, I can no longer discuss this situation with you via email. If you would like to discuss your case, you may call, however, the phone interview can only discuss the application in regards to the claims and the subject matter. Since you say you have not received the formal office action filed on 01.12.2006 in response to your RCE filed on 11.30.2005 a phone interview can not be granted at this time. It is advised that you call the general number of the technology center (571-272-2600) who can then route you to the proper department to answer your question as to why you have not received your formal office action.

Best regards,
Michelle Lay

-----Original Message-----

From: Marc Sewell [mailto:marcs@simonlabs.com]
Sent: Wednesday, March 29, 2006 9:35 AM
To: Lay, Michelle K.
Subject: RE: Application 10/602,566 - Art Unit 2672

Well, I didn't get it and I had asked you to discuss it with me be making a decision. I paid almost \$1000 to get to speak.

This is the second time you have sent something I didn't receive. Will you email the response?

-----Original Message-----

From: Lay, Michelle K. [mailto:Michelle.Lay@USPTO.GOV]
Sent: Wednesday, March 29, 2006 8:31 AM
To: marcs@simonlabs.com
Subject: RE: Application 10/602,566 - Art Unit 2672

Yes, it was a formal response to your RCE.

-Michelle Lay-

-----Original Message-----

From: Marc Sewell [mailto:marcs@simonlabs.com]
Sent: Wednesday, March 29, 2006 9:28 AM
To: Lay, Michelle K.
Subject: RE: Application 10/602,566 - Art Unit 2672

What kind of response? Did you work on it?

-----Original Message-----

From: Lay, Michelle K. [mailto:Michelle.Lay@USPTO.GOV]
Sent: Wednesday, March 29, 2006 8:27 AM
To: marcs@simonlabs.com
Subject: RE: Application 10/602,566 - Art Unit 2672

That is all the information I have. A response was mailed and filed.
Michelle Lay

-----Original Message-----

From: Marc Sewell [mailto:marcs@simonlabs.com]
Sent: Tuesday, March 28, 2006 5:04 PM
To: Lay, Michelle K.
Subject: RE: Application 10/602,566 - Art Unit 2672

I haven't received a response.

-----Original Message-----

From: Lay, Michelle K. [mailto:Michelle.Lay@USPTO.GOV]
Sent: Tuesday, March 28, 2006 2:57 PM
To: marcs@simonlabs.com
Subject: RE: Application 10/602,566 - Art Unit 2672

The only information I have is that the RCE was filed on 11.30.2005 and a response was filed on 01.12.2006. I will be leaving for the rest of the day.

Michelle Lay

Michelle K. Lay
US Patent & Trademark Office
Patent Examiner AU 2672
Knox 10A18
Phone: 571.272.7661
Fax: 571.273.7661
michelle.lay@uspto.gov

-----Original Message-----

From: Marc Sewell [mailto:marcs@simonlabs.com]
Sent: Tuesday, March 28, 2006 4:53 PM
To: Lay, Michelle K.
Subject: RE: Application 10/602,566 - Art Unit 2672

Michelle,

I haven't heard anything from the patent office on my RCE. Have your received it. If so, please remember I wanted to travel to DC and present my response as I did with the previous examiner.

Marc Sewell

-----Original Message-----

From: Marc Sewell [mailto:marcs@simonlabs.com]
Sent: Wednesday, November 30, 2005 12:42 PM
To: 'michelle.lay@USPTO.GOV'
Subject: RE: Application 10/602,566 - Art Unit 2672

Michelle,

Thank you for the phone call checking on my intentions for the subject patent application. I checked with the patent help desk and the address is still set to Georgia which explains why I didn't receive your office actions.

I have sent the RCE form and a check via USPO overnight.

Please let me know what happens next. If we are starting from scratch as you indicated, I would like your office to write the text you require. Blake said the invention was unique. We just need to work out the adjectives and verbs.

Thanks again,
Marc

-----Original Message-----

From: Lay, Michelle K. [mailto:Michelle.Lay@USPTO.GOV]
Sent: Wednesday, November 30, 2005 12:59 PM
To: marcs@simonlabs.com
Subject: RE: Application 10/602,566 - Art Unit 2672

Marc,

I will not be able to work on your application until everything has gone through (check, application, etc.). When the case has been docketed to me and you have received the first Non-Final office action of the RCE, then further discussions can be made.

Michelle Lay

-----Original Message-----

From: Marc Sewell [mailto:marcs@simonlabs.com]
Sent: Wednesday, November 30, 2005 1:42 PM
To: Lay, Michelle K.
Subject: RE: Application 10/602,566 - Art Unit 2672

Michelle,

Thank you for the phone call checking on my intentions for the subject patent application. I checked with the patent help desk and the address is still set to Georgia which explains why I didn't receive your office actions.

I have sent the RCE form an a check via USPO overnight.

Please let me know what happens next. If we are starting from scratch as you indicated, I would like your office to write the text you require. Blake said the invention was unique. We just need to work out the adjectives and verbs.

Thanks again,
Marc